

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 2.2-2818 and 59.1-200 of the Code of Virginia and to amend
2 the Code of Virginia by adding a section numbered 59.1-443.2, relating to restricting the
3 use of social security numbers.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That §§ 2.2-2818 and 59.1-200 of the Code of Virginia are amended and reenacted and**
6 **that the Code of Virginia is amended by adding a section numbered 59.1-443.2 as**
7 **follows:**

8 § 2.2-2818. Health and related insurance for state employees.

9 N. Beginning July 1, 2006, any plan established pursuant to this section shall provide for
10 an identification number, which shall be assigned to the covered employee and shall not be the
11 same as the employee's social security number.

12 § 59.1-200. Prohibited practices.

13 A. The following fraudulent acts or practices committed by a supplier in connection with
14 a consumer transaction are hereby declared unlawful:

15 35. Using the consumer's social security number as the consumer's account number
16 with the supplier, if the consumer has (i) requested that his control number issued by the
17 Department of Motor Vehicles pursuant to § 46.2-342 be used or (ii) requested in writing that
18 the supplier use an alternate number not associated with the consumer's social security
19 number;

20 42. Violating any provision of the Personal Information Privacy Act, Chapter 35 (§ 59.1-
21 442 et seq.) of this title.

22 B. Nothing in this section shall be construed to invalidate or make unenforceable any
23 contract or lease solely by reason of the failure of such contract or lease to comply with any
24 other law of the Commonwealth or any federal statute or regulation, to the extent such other

law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

§ 59.1-443.2. Restricted use of social security numbers.

A. Except as otherwise specifically provided by law, a person shall not:

1. Intentionally communicate an individual's social security number to the general public;

2. Print an individual's social security number on any card required for the individual to access or receive products or services provided by the person or entity;

3. Require an individual to use his social security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the site; or

4. Send or cause to be sent or delivered, any letter, envelope or package that displays a social security number on the face of the mailing envelope or package or from which a social security number is visible, whether on the outside or inside of the mailing envelope or package.

B. Notwithstanding subsection A, a person who, before July 1, 2005, used an individual's social security number in a manner inconsistent with subsection A may continue using that individual's social security number in that manner on and after July 1, 2005, subject to the following conditions:

1. The use of the social security number must be continuous. If the use is stopped for any reason, subsection A applies.

2. Beginning July 1, 2005, the person must provide the individual with an annual written disclosure of the individual's right to stop the use of the social security number in a manner prohibited by subsection A.

3. If the individual requests in writing, the person must stop using the social security number in a manner prohibited by subsection A within 30 days after receiving the request. No fee or charge is allowed for implementing the request, and the person shall not deny services to the individual because of the request.

51 C. This section does not prohibit the collection, use or release of a social security
52 number as required by the laws of the Commonwealth or the United States or the use of a
53 social security number for internal verification or administrative purposes unless such use is
54 prohibited by a state or federal statute, rule or regulation.

55 D. In the case of a health care service plan, a provider of health care, an insurer, a
56 pharmacy benefits manager, or a contractor, the requirements of subdivision A 2 shall become
57 operative on January 1, 2006, and the requirements of sub[section](#) B shall not apply.

58 E. This section shall not apply to public bodies as that term is defined in § 2.2-3701.

59 This section shall not apply to records required by law to be open to the public, nor shall
60 it be construed to limit access to records pursuant to the Virginia Freedom of Information Act (§
61 2.2-3700 et seq.).

62 F. A person may not embed an encrypted or unencrypted social security number in or
63 on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, or
64 other technology, in place of removing the social security number as required by this section.

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